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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,610	12/05/2003	Lawrence Johnson	112025-0421C1	2516
24267	7590	12/29/2005		
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/728,610

**Applicant(s)**

JOHNSON ET AL.

**Examiner**

Rasha S. AL-Aubaidi

**Art Unit**

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/14/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on October 14, 2005 has been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 1-23 are pending in this application, with claims 1, 8, 15 and 22 being independent.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett (US PAT # 5,590,188) in view of Bell et al (US PAT # 6,549, 619).

Regarding claims 1-2, Crockett teaches a method for controlling call routing by a communication system (see col. 2, lines 34-35), comprising: receiving a call (Crockett teaches receiving calls, see For example, col. 4, lines 59-62 and col. 6, lines 25-27); executing a script in response to receiving said call (this reads on the "Rules") said script having instructions that when executed by the system control routing of said call in the system, the script including at least one call routing instruction that references variable (see col. 2, lines 37-50, col. 3, lines 8-17 and lines 28-33. The claimed "variable" may also read on a table storing 800 numbers or N00 service offering as discussed in col. 15, lines 28-38 and the "ANI" in col.15, line 5); reading said variable from a database (database reads list in table and/or memory within the processor 12, see col. 5, lines 55-58), said database holding a value for said variable, said database

having said value updated (the variable/numbers will always be updated, see col. 8, lines 24-42); and setting the variable equal to the value, to determine a destination of the call in response to the value (see col. 3, lines 39-45).

On one hand, Crockett does not specifically teach that "said database holding a value for said variable, and said database having said value updated in response to action by a user". However, Crockett teaches an automatic update which is preformed by the system (see col. 6, lines 66-67, col. 7, lines 1-9, col. 8, lines 63-67 and col. 9, lines 1-3). Thus, having an automated feature to be performed manually or having manually feature to be performed automatically does not raise the invention to the level of patentability.

Yet, examiner would like to introduce the Bell reference, which basically discloses that a subscriber may update/change a caller list that contains telephone numbers (see col. 5, lines 21-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having the subscriber manually updating a list stored within a database, as taught by Bell, into the Crockett system in order to provide the user/subscriber with the speed and convenience when the user/subscriber desires to modify any kind of data or information stored within a database at the time needed.

Claims, 5-6, 8-9, 12-13, 15-16, 19-20 and 22-23 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 3, 10 and 17, Crockett teaches a method of computing a variable expression, in response to execution of said at least one call routing instruction, in determining said destination (this reads on the calculation that is preformed by the system to a route the call to a certain destination, see col.16 lines 12-14).

Regarding claims 4, 7, 11, 14, 18 and 21, Crockett teaches specifying by said at least one of a telephone number, trunk group, and DNIS to which the call is to be routed (this reads on incoming calls to a specific destination such as toll-free "800" numbers, see col. 15, lines 28-39).

### ***Response to Arguments***

3. Applicant's arguments filed 10/14/2005 have been fully considered but they are not persuasive.

Applicant argues that "Crockett or Bell taken in combination or singularly do not show reading said variable from a database, ...". Applicant also adds " the variable expression may specify a destination telephone number, trunk number, and or DNIS number". After reviewing applicant's remarks it appears that applicant is reading into the

claim language. The claimed, "variable expression may specify a destination telephone number, trunk number, and or DNIS number" is not recited anywhere in claim 1. Thus, applicant argument is irrelevant. Furthermore, referring back to Crockett reference, the examiner believes that Crockett specifically discussed stored variables that specify how to handle multiple 800 numbers or N00. These variables read on the claimed "specify a destination telephone number".

Applicant also adds "Crockett and Bell are silent concerning the use of variable". Again it appears that applicant is reading into the claim language since the claimed "use of variable" is not found in the claim language.

Regarding applicant argument that "Crockett is silent on the use of a database". Examiner respectfully disagrees since the database reads on the list in table or memory that are stored within processor 12 (see col. 5, lines 55-58). The Examiner believes that Crockett is not silent about the use of a database. However, for the sake of argument if we assumed that Crockett does not specifically teach a database, in Crockett with the use of a list in table or memory, the use of database will become inherent or at least obvious.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2642

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

**Examiner**  
**Rasha S. Al-Aubaidi**  
**Art Unit 2642**  
**12/27/2005**

**BING Q. BUI**  
**PRIMARY EXAMINER**





PATENTS  
112025-0421C1  
Seq. #8698 CPOL # 392867

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:  
Lawrence Johnson et al.

Serial No.: 10/728,610

Filed: December 5, 2003

For: CALL ROUTING CONTROL US-  
ING CALL ROUTING SCRIPTS

Examiner: Al Aubaidi, Rasha S.

Art Unit: 2642

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
October 14, 2005

"Express Mail" Mailing-Label Number: EV 336699790 US

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**FORMAL DRAWING TRANSMITTAL LETTER**

If the Examiner in charge of the above-identified application approves, please substitute the enclosed drawing sheets containing formal version of Figure 2 for the corresponding drawing sheets currently in the application.

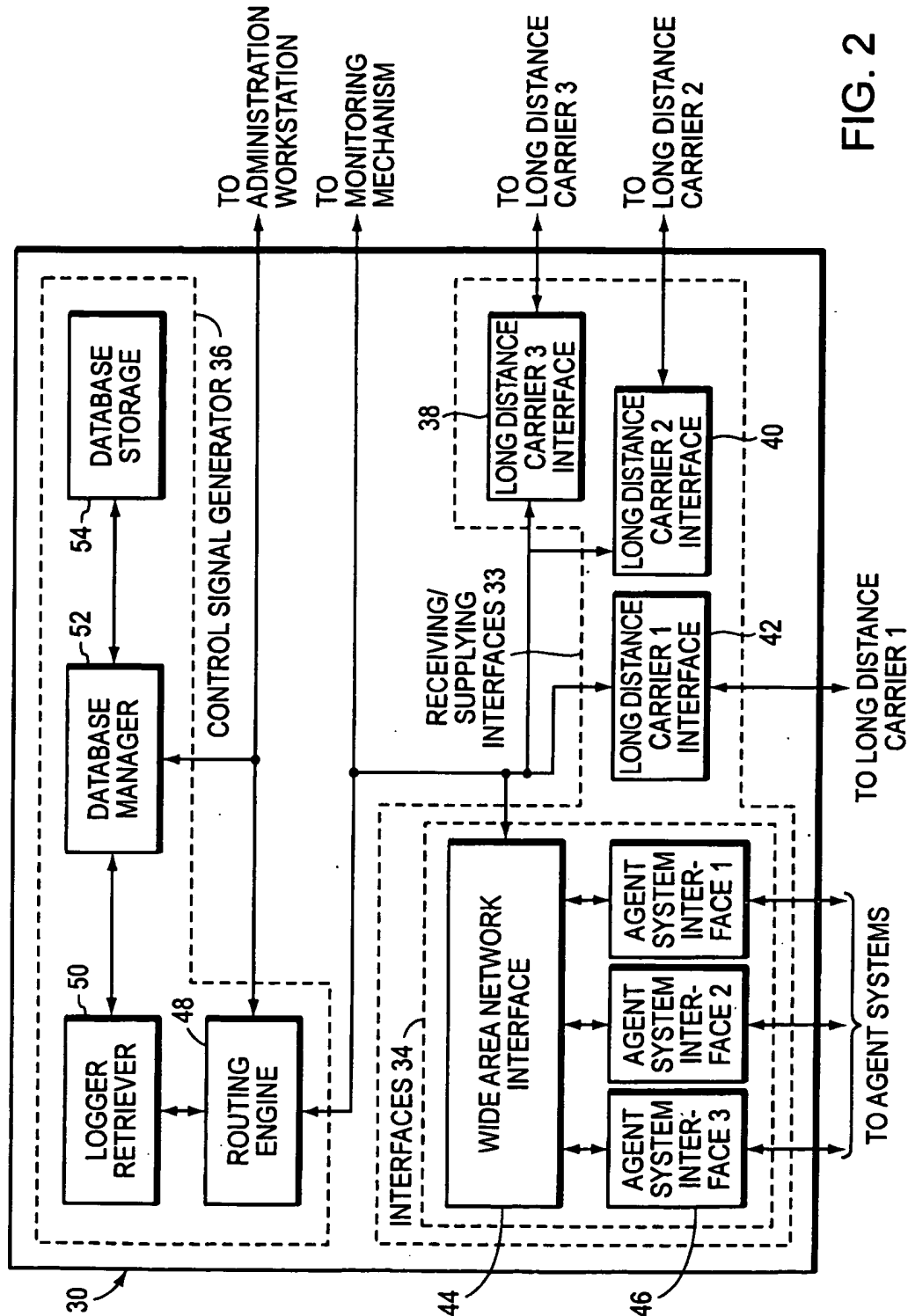


FIG. 2